



Periodic Review / Retain Regulation Agency Background Document

Agency name	Virginia Department of Social Services (VDSS)
Virginia Administrative Code (VAC) citation	22 VAC 40-910
Regulation title	General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records
Document preparation date	October 17, 2007

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-217 of the *Code of Virginia* gives the State Board of Social Services the responsibility to make rules and regulations to carry out the purposes of social services programs. Sections §§ 63.2-102 through 63.2-105 pertain to confidentiality of public assistance and social services records and information.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No alternatives to the existing regulation were considered. This regulation was promulgated in response to §§ 63.2-102 through 63.2-105, which specify that, except as provided by state and federal law and regulation, no records, information or statistical registries concerning applicants for and recipients of public assistance shall be made available except for purposes directly connected with the administration of the public assistance program.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The regulation was published for public comment on August 20, 2007; the comment period expired September 10, 2007. No comments were received.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The existing regulation meets the criteria set forth in Executive Order 36 and is necessary for the protection and public health, safety and welfare. The regulation is clear and concise and written in a manner that is easy to understand.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The State Board of Social Services recommends that the regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation has a positive impact on the institution of the family and family stability. The regulation ensures that confidential information is protected and released only according to federal and state laws and regulations. The regulation supports the privacy expectations of Virginians by strengthening the protection of confidential information in public assistance, child support enforcement, and social services records by compiling confidentiality provisions in one comprehensive regulation.